

Draghi's New Cabinet Sails but Italian Political Institutions Do not Risk Reforms

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2021-02-24T07:34:11

On 13 February 2021, the new Prime Minister Mario Draghi was sworn in with his ministers by President Mattarella. Draghi had received the task of forming the government on 3 February, ten days earlier. The second Conte government had resigned on 26 January. The new government won the confidence of the Senate on 17 February and that of the Chamber of Deputies on the 18th: the crisis was resolved within eighteen days (twenty-three if the two parliamentary votes are taken into account). It must be emphasized that in Italy the government does not take office *after* the parliamentary vote, but *before*, with the oath of office (Art. 93 It. Const.). This is fundamental to understand the role of the Head of State.

New but not unprecedented

The Draghi government is the 63rd since when the Constitution came into force, 73 years ago; and the 17th since 1994 (after the crisis of the first party system). The average duration has been 14 months, but has risen to 20 since 1994.

The new government has 23 ministers, 8 of whom are women; 15 of them belong to the parties that voted for it, 8 are independent personalities. All 23 were chosen by the Prime Minister, in accordance with constitutional provisions, but there is little doubt that those eight have been more immediately chosen by Draghi: Justice Minister Marta Cartabia, until December 2020 president of the Constitutional Court, stands out; to the others Draghi entrusts – to put it briefly – the entire responsibility for relaunching the economy and managing the 210 billion euro National Recovery and Resilience Plan. It is notable that nine ministers were also present in the Conte II government: the foreign minister Di Maio (the prominent leader of the *M5Stelle*), the independent interior minister Lamorgese and the health minister Speranza (leader of the *Liberi ed Uguali* party): This last choice indicates the will to pursue a certain continuity in the fight against the pandemic, recognising that – on this – the Conte government had not done badly.

262 senators out of 321, almost 82% of the plenum, and 545 deputies out of 630, almost 87%, voted in favour of Draghi and his government. All the parliamentary groups except *Fratelli d'Italia* (the right-wing party led by Giorgia Meloni, leader of the ECR, the European Conservatives and Reformists Party) and 36 *M5Stelle* MPs (15 in the Senate and 21 in the Chamber: for this reason they were expelled from their movement). It is a very large *Grosse Koalition*, but not unprecedented: the Monti government was supported by 285 senators and 550 deputies; and, further

back in time, the Andreotti “national solidarity” government in 1978 , by 267 senators and 545 deputies.

In his first speech, Draghi spoke of a “government of national unity and responsibility”, in response to the President of the Republic’s call for a cabinet “that does not identify with any political formula”. This is the sixth government led by a non-parliamentarian since 1993: it was preceded by the Ciampi government (1993-1994), the Dini government (1995-1996), the Monti government (2011-2013), and the Conte governments (2018-2021). The greatest similarity is with the first one, which was also made up of both ministers of party extraction and independent ministers (the other two were composed only of non-parliamentary independents).

Context matters

A few words on the context in which the birth of the Draghi government should be placed. Several things stand out:

1. A legislature marked by the electoral triumph of the *M5Stelle* party (initially 32% of parliamentarians) and by the succession of two governments built around the *M5Stelle* party but of opposite sign: the first with the *Lega* (the largest party in the right-wing coalition) and the second with the Pd (the largest of the left-wing coalition).
2. The successive strong change in the opinions of the electorate, confirmed by the 2019 European elections (increase in right-wing parties, sharp drop in Silvio Berlusconi’s party which belongs to the European People’s Party, collapse in support for the *M5Stelle*).
3. The enactment of a constitutional revision that provides for a drastic reduction in the number of deputies and senators, almost 40% less; as a result, an exceptionally high number of MPs have no chance of being re-elected (which makes all parliamentary groups very much opposed to an early dissolution).
4. A party system in search of a new balance, with 15% of MPs and 18% of senators having – since 2018 – left one parliamentary group to join another (including 84 *M5stelle* MPs).
5. The approach of the six-month period preceding the expiry of the mandate, in which the President of the Republic under art. 88.2 Const. cannot dissolve the chambers.

Conte’s undoing

The resignation of the second Conte government has been caused by the exit from the majority of the parliamentary groups of *Italia Viva*, the split party founded by the former Prime Minister Matteo Renzi, weak in the polls (about 3%) but strong in parliamentary seats (18 in the Senate and 28 deputies). Renzi is the one who in August 2019 had promoted the birth of Conte’s second cabinet to block Salvini’s quest for power. The government, politically characterised by the abandonment of sovereignist and anti-EU policies, had operated acceptably with regard to the pandemic, but was weakened by the contrasts between the parties of its majority;

it seemed incapable of strategic vision in relation to the decisive National Recovery and Resilience Plan (NRRP); it remained very divided on justice and other crucial issues. Moreover, Giuseppe Conte, after a hard apprenticeship, had revealed himself to be a strong centraliser determined to run the NRRP alone, entrusting a single person of his trust, the anti-Covid czar Arcuri, with all sorts of decisive dossiers, refusing to delegate the supervision of the secret services (unlike all his predecessors) and ultimately inclined to found his own party.

Conte tried to react to Renzi's attack with the same method used to liquidate Matteo Salvini in 2019: replacing his votes with the votes of others, to be found in Parliament. But he failed to do so: hence his resignation on 26 January.

President Mattarella, having consulted the parliamentary groups, first entrusted a so-called exploratory assignment to the President of the Chamber of Deputies, Fico, of the M5Stelle party. When Fico certified that there was no parliamentary support for a third Conte government, the head of state appealed to all the parliamentary groups to support a "government with a high profile", formed by a person of his trust outside any party. This on the grounds that it was inappropriate to dissolve the Chambers (due to the pandemic and the NRRP's European deadlines). Hours later he entrusted the task to the Italian who enjoys the greatest prestige in Europe and the world, former ECB president (and former governor of the Bank of Italy) Mario Draghi.

In his speech to the Senate, Draghi presented a strongly reformist and pro-European programme (within the NATO framework) featuring the revision of the Italian NRRP, ecological transition, digital economy, strategic increase in female employment and empowerment through the training of human capital, a plan expressly aimed at future generations.

Parliamentary or presidential?

What does the formation of this new cabinet mean within the frame of the Italian form of government as dictated by the 1948 Constitution?

In fact the birth of the Draghi's government has aroused some debate among constitutionalists, in particular between those who wanted to see in it a sort of healthy 'return to the Constitution' (as if it were possible and appropriate to downsize if not exclude political parties from the function of government) and those who saw in it the umpteenth sign of the system's difficulties. According to the former, not only has the new government been created in full compliance with constitutional rules, which is absolutely true, but it is also a clear application of what the Constitution provides for. According to the others, however, the sixth government led by a non-parliamentarian, the fourth one actually suggested if not imposed by the head of state (after Ciampi, Dini and Monti), is a clear demonstration of a more and more inadequate regime.

The fact is that the Italian Constitution, compared to the others after the Second World War, starting with the *Grundgesetz*, is characterised by the essentiality of

the provisions on the formation of the government and the fiduciary relationship, deprived of any rationalisation tool. This gives the system great flexibility and constitutes the legal prerequisite for enhancing the role of the President of the Republic in his surrogate role as guardian of governability. At the time of the Monti government, *the Economist* spoke of president Napolitano as Italy's nanny. There are those who extol this ability of the legal system to adapt to the most difficult and unpredictable circumstances and those, like myself, who are concerned about it.

There is little doubt that the theory according to which the Italian form of government is a *parliamentary regime with a particularly strong presidential role* (dualist it can be called), according to Philippe Lauvaux's formula (see *Les grandes démocraties contemporaines*, with Armel Le Divellec, Paris, Puf, 2015), has been corroborated once more. But the problem is: Is this what the founding fathers really expected? The answer is a resounding "no". Is it physiological or is it pathological?

Unresolved questions of legitimacy

The point is that the recent European constitutions which have provided for a significant, if not predominant, role for the head of state have all provided for forms of direct legitimacy of the president, in order to ensure, through direct election, a continuum between the popular will expressed by the citizens and the investiture of the figure at the top of the state. To this end, in Italy unresolved questions of legitimacy and political responsibility of the Presidency definitely remain.

This said, what can be expected in the next two years, between now and the end of the parliamentary term? Is it plausible to think that the age-old problems of Italy's political institutions will be dealt with by parliamentary groups while Mario Draghi and his government try to make public administrations more efficient and the Italian economy more productive? This is exactly what Italian politicians have talked about on other occasions, starting with Mario Monti's own experience. The mantra read: the government deals with the crisis, the political forces devote themselves to political reforms for the future. Unfortunately, it did not work then and it will not work this time: it is hard to imagine that a political system in complete turmoil can make strategic institutional choices. And there is no doubt that the next two years might produce yet another realignment of the party system: according to many, in fact, the sovereignist-European cleavage will be replaced by the more classic right-left cleavage.

The most relevant consequence that can be expected is that this will lead to the abandonment of plans to further proportionalise the current electoral law. Indeed, compared to a few months ago, it is now excluded that the advocates of proportional representation (*M5S, Pd, Leu, Italia Viva*) could find the needed support in Berlusconi's party. On the other hand, a League that is part of the majority and is a supporter of majority formulas (like *Fratelli d'Italia*, some minor forces and part of the PD itself) should easily be able to block proportionalist changes.

All in all, concerning political reforms, the most that can be hoped for is that the Chambers would prepare for the next streamlined legislature (with 600 members

instead of 945): passing new Standing Orders and a constitutional reform that unifies the electorate of the Chamber and the Senate (today only citizens who are 25 vote for the Senate!). That would already be a lot.

There is one last unknown factor.

How much time will Draghi's government be given to relaunch Italy? The legislature should last until 2023, but in a year from now a new President of the Republic is to be elected. Draghi, of course, is a very strong candidate. At that point the dilemma will be: to elect him to the highest political office (but with limited government tasks) and find a successor who will continue his programme, or to elect another personality as president while he continues until the end of the term?

Strong pressure is already looming to ask President Mattarella, as Napolitano in his days, to be available for re-election...

